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FRAGO 010 - PUBLIC ORDER AND SAFETY

TIME ZONE USED THROUGHOUT THE ORDER: ZULU.

GROUPING

- 1 X SECT TO EACH BG.
- 1 X SECT AS POINTER TEAM
- 2 X SECT FOR GENERAL TASKING AND SPEEDING OFFENCES

INTRODUCTION

PHASE 3B/4 OF OP TELIC HAS ALREADY COMMENCED IN SOME PARTS OF THE UK AO IN S IRAQ, AND UK AND COALITION FORCES ARE NOW CLEARLY IN OCCUPATION OR TRANSITIONING TO THIS STATE OF SOME PARTS OF THE COUNTRY.

ONCE UK OR COALITION FORCES ARE IN OCCUPATION OF EITHER THE WHOLE OR PARTS OF IRAQ THEN, AS THE OCCUPYING POWER, THEY ASSUME RESPONSIBILITY FOR "PUBLIC ORDER AND SAFETY" (HAGUE REGULATIONS (V ARTICLE 43).

THE PURPOSE OF THIS FRAGO IS TO PROVIDE GUIDANCE AS TO HOW THE UK, AS AN OCCUPYING POWER, WILL DISCHARGE ITS RESPONSIBILITY FOR "PUBLIC ORDER AND SAFETY" IN ITS AO.

THE PROCEDURE IS DESIGNED TO BE SIMPLE AND EASILY UNDERSTOOD SO THAT IT CAN BE IMPLEMENTED WITHOUT CONFUSION. IT WILL ALSO EVOLVE AS CIRCUMSTANCES CHANGE ON THE GROUND.

A COMMANDERS GUIDE TO PUBLIC ORDER AND SAFETY AND THE CURRENT ROE IS INCLUDED AT ANNEX A. UNITS ARE TO ENSURE ITS CONTENTS ARE WIDELY DISTRIBUTED.

BRIGADE POWERS

STOP/SEARCH/TEMPORARILY DETAIN

THE POWERS TO STOP SEARCH AND TEMPORARILY DETAIN ARE THE PRINCIPLE POWERS WHICH WILL BE REQUIRED BY THE BRIGADE IN THE DISCHARGE OF ITS RESPONSIBILITIES FOR "PUBLIC ORDER AND SAFETY".

UNDER THE ROE, ALL SOLDIERS HAVE THE POWER TO STOP, SEARCH AND TEMPORARILY DETAIN.

- 680 BRAVO (ONE), PERMITS THE TEMPORARY DETENTION OF PERSONS POSING A THREAT TO COALITION FORCES OR ELEMENTS UNDER UK PROTECTION OR OTHERWISE INTERFERING WITH OR THREATENING THE COALITION MISSION.



IT SHOULD BE NOTED THAT THE POWER TO STOP SEARCH AND TEMPORARILY DETAIN CAN BE USED EITHER IF A PERSON IS A THREAT TO FORCE SECURITY OR WHERE SOMEONE HAS COMMITTED A CRIMINAL OFFENCES. BOTH ARE REGARDED AS "INTERFERING WITH OR THREATENING THE COALITION MISSION".

REASONABLE FORCE MAY BE USED TO EFFECT A SEARCH. HOWEVER, MALE PERSONNEL ARE NOT TO PHYSICALLY SEARCH ANY FEMALES OR CHILDREN UNDER THE AGE OF 14 UNLESS AN IMMEDIATE SEARCH IS IMPERATIVE FOR REASONS OF FORCE SECURITY, IN WHICH CASE, AUTHORITY SHOULD BE OBTAINED FROM AN OFFICER OF AT LEAST FIELD RANK.

ALL SEARCHES ARE TO BE PROPERLY RECORDED AND SEARCH PROFORMAS ARE TO BE COMPLETED ONCE A SEARCH HAS TAKEN PLACE.

ONCE A PERSON HAS BEEN TEMPORARILY DETAINED, HE SHOULD EITHER BE RELEASED OR HANDED OVER TO THE ROYAL MILITARY POLICE AS SOON AS PRACTICABLE AND, IN ANY EVENT, WITHIN SIX HOURS. THE DETAINEE SHOULD ALWAYS BE HANDED OVER TO THE

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ROYAL MILITARY POLICE WHERE A THREAT TO FORCE SECURITY OR WHERE A SPECIFIED ARRESTABLE OFFENCE HAS BEEN COMMITTED. THESE ARE:

- A. MURDER
- B. MANSLAUGHTER
- C. RAPE
- D. SERIOUS ASSAULT
- E. KIDNAPPING
- F. FALSE IMPRISONMENT
- G. RIOT
- H. VIOLENT DISORDER
- I. POSSESSION OF EXPLOSIVES
- J. SMUGGLING
- K. ARSON
- L. SERIOUS CRIMINAL DAMAGE

RIOT CONTROL

AS WELL AS THE POWER TO STOP, SEARCH AND TEMPORARILY DETAIN, BG MAY ALSO DEAL WITH LAW AND ORDER THROUGH THE USE OF RIOT CONTROL EQUIPMENT. UNDER THE ROE, SERVICE PERSONNEL MAY BE DEPLOYED TO USE PUBLIC ORDER CONTROL EQUIPMENT AGAINST IRAQI NON-COMBATANTS. THIS INCLUDES BATONS, RIOT CONTROL CLOTHING AND BATON ROUNDS.

REASONABLE FORCE MAY BE USED IN RIOT CONTROL.

ENTRY AND SEARCH OF PREMISES

THE CURRENT ROE DO NOT INCLUDE POWERS TO ENTER AND SEARCH PREMISES. HOWEVER THE POWER TO ENTER AND SEARCH PREMISES IS PERMITTED UNDER THE LAW OF ARMED CONFLICT AND, AT THE PRESENT TIME, IT SHOULD BE ASSUMED THAT THIS POWER IS EXTANT.

WHERE A SEARCH IS EFFECTED, A RECORD OF THE SEARCH SHOULD BE MADE ON PROFORMAS PROVIDED BY THE RMP. THESE ARE AVAILABLE FROM THE RMP.

DOGS

THERE IS NO SPECIFIC POWER TO USE DOGS UNDER THE ROE BUT THE USE OF DOGS WOULD BE PERMITTED UNDER THE LAW OF ARMED CONFLICT. DOGS MAY THEREFORE BE USED.

RMP POWERS

ONCE THE ROYAL MILITARY POLICE HAVE ATTENDED THE SCENE AND THE TEMPORARY DETAINEE HAS BEEN HANDED OVER, DELIVERED TO A POLICE STATION OR PW HOLDING FACILITY THEN THE MILITARY POLICE MAY ARREST THE TEMPORARY DETAINEE.

ARREST

ON ARREST, THE ARRESTED PERSON SHOULD BE INFORMED THAT THEY ARE UNDER ARREST AND THE GROUNDS FOR THE ARREST. THE PERSON SHOULD BE GIVEN THE FOLLOWING CAUTION:

"YOU DO NOT HAVE TO SAY ANYTHING, BUT ANYTHING YOU DO SAY MAY BE GIVEN IN EVIDENCE."

THE MILITARY POLICEMEN MAKING THE ARREST SHALL RELAY THE CIRCUMSTANCES OF THE ARREST TO THE CUSTODY OFFICER AS SOON AS PRACTICABLE AND THE CUSTODY OFFICER SHALL BEGIN A WRITTEN CUSTODY RECORD IN RELATION TO THAT PERSON. THE CUSTODY OFFICER IS TO:

- SEARCH THE ARRESTED PERSON IN ACCORDANCE WITH THE ROE , WHERE PRACTICABLE, SERVICEWOMEN SHOULD SEARCH FEMALE DETAINEES AND SERVICEMEN SHOULD SEARCH MALE DETAINEES.
- SEIZE AND RECORD ITEMS OF AN EVIDENTIAL VALUE RECOVERED FROM THE ARRESTED PERSON.
- RETAIN ALL ITEMS OF PERSONAL PROPERTY, OTHER THAN CLOTHING, FROM THE ARRESTED PERSON. THESE ITEMS SHOULD BE RETURNED TO THE ARRESTED PERSON UPON RELEASE. DETAILS OF ANY ITEMS SEIZED SHOULD BE RECORDED IN THE CUSTODY RECORD AND COUNTERSIGNED BY THE ARRESTED PERSON IF PRACTICABLE.

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- INFORM THE ARRESTED PERSON'S NOK OF THIER ARREST AND PLACE OF DETENTION UNLESS TO DO SO IS LIKELY TO HINDER THE ADMINISTRATION OF JUSTICE OR ADVERSELY AFFECT FORCE SECURITY.
- PASS THE ARRESTED PERSON'S DETAILS TO OC 111 PRO COY.
- OBTAIN THE ARRESTED PERSON'S PHOTOGRAPHS AND FINGERPRINTS.

AFTER MAKING AN ARREST, COMPLETING THE WRITTEN CUSTODY RECORD AND INFORMING THE COMD AND DCOS, 7 ARMD BDE, THE DETAINEE SHALL BE TRANSFERRED TO THE THEATRE INTERNMENT CENTRE (TIC) WITHIN 24 HOURS. WHEN AN ARRESTED PERSON IS TRANSFERRED TO TIC, THE GOC, SO2 G1 AND THE DETENTION AND INTERNMENT MANAGEMENT UNIT (DIMU) SHALL BE INFORMED.

IF THE PERSON WHO HAS BEEN ARRESTED DOES NOT FALL INTO THE CATEGORIES LISTED ABOVE THEN THEY SHALL BE RELEASED AS SOON AS POSSIBLE AND HIS PROPERTY RETURNED ACCORDINGLY. HOWEVER, SUCH PERSONS SHOULD BE ADVISED THAT PERSISTENT OFFENDING MAY AMOUNT TO A THREAT TO FORCE SECURITY FOR WHICH THEY MIGHT LATER BE INTERNED.

DETENTION AND INTERNEE MANAGEMENT UNIT (DIMU)

ALTHOUGH THE PHYSICAL DETENTION OF THE DETAINEE IS THE RESPONSIBILITY OF THE TIC THE LEGAL REVIEW OF THE DETENTION WILL BE THE RESPONSIBILITY OF THE DETENTION AND INTERNEE MANAGEMENT UNIT (DIMU). (FOR THE AVOIDANCE OF DOUBT, A PERSON DETAINED FOR FORCE SECURITY IS AN INTERNEE AND A PERSON DETAINED FOR A SPECIFIED ARRESTABLE OFFENCE IS A DETAINEE. COLLECTIVELY THEY ARE REFERRED TO AS DETAINEES).

WITHIN 48 HOURS OF ARREST, THE GOC OR HIS REPRESENTATIVE WILL DECIDE WHETHER TO CONTINUE TO DETAIN THE DETAINEE. THE GOC WILL DECIDE WHETHER THERE IS A "PRIMA FACIE" CASE IN RELATION TO A PERSON DETAINED FOR HAVING COMMITTED A SPECIFIED ARRESTABLE OFFENCE OR WHETHER HE IS SATISFIED THAT THE DETAINEE IS A THREAT TO FORCE SECURITY AND HIS INTERNMENT IS ABSOLUTELY NECESSARY. ADVICE WILL BE PROVIDED TO THE GOC

OR HIS REPRESENTATIVE BY THE PROSECUTING OFFICER AND A CERTIFICATE WILL BE ISSUED ACCORDINGLY IF CONTINUED DETENTION IS NECESSARY.

ONCE THE CERTIFICATE HAS BEEN ISSUED, THE PROSECUTING OFFICER WILL INFORM THE DETAINEE AND HIS DESIGNATED DEFENDING OFFICER OF THE REASONS FOR THE CONTINUED DETENTION WITHIN 72 HOURS AND THE DETAINEE CAN THEN MAKE WRITTEN SUBMISSIONS TO THE REVIEWING AUTHORITY WITHIN 21 DAYS.

WITHIN 28 DAYS THE REVIEWING AUTHORITY, BASED ON THE WRITTEN SUBMISSIONS MADE BY BOTH THE PROSECUTING AND DEFENDING OFFICER, WILL DECIDE EITHER:

IN THE CASE OF INTERNEES, WHETHER THERE IS A RELIABLE AND CONSISTENT BODY OF MATERIAL WHICH SUPPORTS THE DECISION BY THE GOC TO INTERESTS OF FORCE SECURITY; OR

IN THE CASE OF DETAINEES, THERE IS A RELIABLE AND CONSISTENT BODY OF MATERIAL THAT TENDS TO SHOW THAT THE DETAINEE MAY HAVE COMMITTED A SPECIFIED ARRESTABLE OFFENCE, AND

ASSESS WHETHER CONTINUED DETENTION IS NECESSARY TO ENSURE THAT THE DETAINEE APPEARS AT A SUBSEQUENT HEARING, PREVENT INJURY TO OR INTIMIDATION OF A VICTIM OR WITNESS, OR DESTRUCTION OF EVIDENCE, OR TO BE OTHERWISE NECESSARY FOR THE CONDUCT OF THE INVESTIGATION.

ON CONSIDERATION OF THE WRITTEN SUBMISSION, THE REVIEWING AUTHORITY WILL BE PERMITTED TO:

- ORDER THAT A DETAINEE BE RELEASED WITH OR WITHOUT CONDITIONS;
- ORDER THAT A DETAINEE BE HELD IN DETENTION PENDING TRIAL BY A COMPETENT COURT OR OTHER TRIBUNAL.

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- ORDER THAT A DETAINEE BE HELD IN DETENTION PENDING TRIAL BY A COMPETENT COURT OR OTHER TRIBUNAL OR FOR A FIXED PERIOD OF TIME, WHICH EVER WOULD OCCUR FIRST.

IF THE REVIEWING AUTHORITY IS SATISFIED THAT GROUNDS EXIST FOR CONTINUED DETENTION/INTERMENT, HE CAN EXTEND THE PERIOD OF DETENTION IN 30 DAY PERIODS FOR A PERIOD NOT EXCEEDING 120 DAYS AND ORDER A FURTHER REVIEW ACCORDINGLY.

IF THE ABOVE GROUNDS DO NOT EXIST, THEN THE REVIEWING AUTHORITY CAN ORDER THE RELEASE OF THE DETAINEE EITHER CONDITIONALLY OR UNCONDITIONALLY.

LAW OF ARMED CONFLICT

EVEN THOUGH THE OCCUPYING POWER IS RESPONSIBLE FOR "PUBLIC ORDER AND SAFETY", AT THE SAME TIME, THE LAW OF ARMED CONFLICT STILL APPLIES AND, UNDER THE ROE, POSITIVELY IDENTIFIED IRAQI FORCES MAY BE ATTACKED.

DEALING WITH LOOTERS

ADVICE FROM LEGAL BRANCH ON ROE FOR DEALING WITH LOOTERS HAS BEEN SOUGHT AND FORMAL DIRECTION WILL BE ISSUED BY SO1 LEGAL. UNTIL THIS IS ISSUED THE FOLLOWING GUIDE LINES PROVIDE DIRECTION TO BGS FOR DEALING WITH IRAQI CIVILIAN LOOTERS:

- SHOOTING. THE USE OF FIREARMS IS A LAST RESORT AND ONLY WHEN LIFE IS AT RISK.
- BATON ROUNDS. THE USE OF BATON ROUNDS IS AUTHORISED.
- RIOT CONTROL BATONS. THE USE OF RIOT CONTROL BATONS IS AUTHORISED.
- DOGS. THE USE OF DOGS IS AUTHORISED.
- CS GAS. THIS IS STILL UNDER CONSIDERATION AND CANNOT

BE USED UNTIL AUTHORISED.

- ARREST AND DETENTION. THIS IS AUTHORISED UNDER CURRENT ROE. HOWEVER FACILITIES TO HOLD CIVILIANS COMMITTING CRIMINAL OFFENCES IS STILL BEING SOUGHT.
- INFO OPS. THE USE OF INFO OPS TO DISCOURAGE LOOTING IS ENCOURAGED.

CONCLUSION

THE GUIDANCE PROVIDED ABOVE WILL EVOLVE AND FURTHER CLARIFICATION WILL BE PROVIDED IN DUE COURSE. HOWEVER, THE POWERS SET OUT ABOVE ARE CONSIDERED SUFFICIENT FOR BOTH PHASE 3B/4 BUT CLEARLY IT IS IMPOSSIBLE TO ANTICIPATE ALL SCENARIOS. IN THE MEANTIME, ANY COMMENTS IN RESPECT OF THIS POLICY SHOULD BE FORWARDED TO G1/G4 HQ 7 ARMD BDE.

ACK:

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ANNEX:

A. COMMANDER'S GUIDE.

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